

REMARKS

The Applicant has carefully reviewed and considered the Examiner's Action mailed July 16, 2004. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, claim 5 is editorially amended, and an Abstract is submitted replacing the originally filed Abstract. These amendments are minor and are not intended to change the scope of the claims as originally filed. Accordingly, claims 1-16 are pending in the present application.

Claims 1-16 were rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,420,376 to Rajecki et al. (hereinafter referred to as "Rajaecki") as explained in paragraph 3 spanning pages 2-5 of the Action. This rejection is respectfully traversed.

The claimed invention is directed to an electrical fitting for installation of electrical systems in poured concrete and a system for the installation of electrical boxes in poured concrete where the claimed **fitting** holds an electrical box flush during the pouring of concrete. This is achieved by an electrical fitting for installation of electrical systems in poured concrete, which includes 1) a relatively flat body of material having an opening for receiving an electrical conduit; 2) a number of equally spaced legs projecting from a side of the body, which is **adapted to face a form wall opposing another form wall onto which an electrical box is mounted flush**; and 3) **a tip disposed on a top of each leg wherein the tip grips the form wall and provides a sturdy and solid base that holds an electrical box and a conduit in position during the pouring of concrete** wherein the length of each spaced leg is designed to allow concrete to flow between the body and the form wall.

Contrary to the claimed invention, Rajecki discloses an electrical box assembly for installation in a poured concrete building partition, such a ceiling. That is, the base ring member 12 and associated cover member 14 disclosed by Rajecki are attached to a form “by nails or screws passing through openings 22” of outwardly extending mounting portions 20 (column 5, 40-45 of Rajecki). Moreover, Rajecki does not disclose that its base ring member 20 has a side which is **adapted to face a form wall opposing another form wall onto which an electrical box is mounted flush**. It is respectfully submitted that such a function is not possible with the base ring member 20 taught by Rajecki as the base ring member 20 faces the form wall onto which an electrical box is mounted flush. There is no disclosure of a second form wall in Rajecki. Consequently, Rajecki fails to disclose the claimed number of equally spaced legs projecting from a side of the body, which is **adapted to face a form wall opposing another form wall onto which an electrical box is mounted flush**.

The Action avers that Figure 2 of Rajecki illustrates “a tip ... disposed on a top of each leg 20 wherein the tip (figure 2) grips the form wall and provides a sturdy base that holds an electrical box ...” (paragraph 3, lines 9-10 of the Action). However, Figure 2 of Rajecki does not illustrate **a tip**; to the contrary, Rajecki discloses “vertically extending through openings 22” through which “nails, screws or other fasteners extend for connection of the base ring 12 to the form elements” in column 3, lines 40-46. That is, Rajecki clearly discloses that nails, screws or other fasteners connect the base ring to a form elements. Rajecki also only discloses a through opening 22 of an outwardly extending portion 20, which is a hole within a tab. There is no disclosure or illustration of **a tip**. In fact, Figure 2 is a top plan view and cannot illustrate a tip having a pyramidal

base or a tip that is frustoconical as required in dependent claims 2-3, and 11-12. Accordingly, Rajecki also fails to disclose the claimed **tip which grips the form wall** (opposing the another form wall onto which an electrical box is mounted flush) **and provides a sturdy and solid base that holds an electrical box and a conduit in position during the pouring of concrete.**

Finally, the claimed invention states that “the length of each spaced leg is designed to allow concrete to flow between the body and the form wall.” Rajecki does not want concrete to flow between base ring member 12 and the form wall as Rajecki teaches sealing the ring body 16 and base ring member 12 “to prevent the infiltration of liquid or uncured concrete” (column 4, lines 51-63 of Rajecki). That is, in addition to failing to disclose each and every feature of the claimed invention, Rajecki is directed to a different type of electrical box installation that occurs in a ceiling. Unlike the claimed invention, the poured concrete of Rajecki is not poured between two form elements forming vertical walls where the electrical fitting holds an electrical box flush on the another form wall as set forth in independent claims 1 and 8. Accordingly, Rajecki cannot anticipate the claimed invention and withdrawal of this rejection is respectfully requested.

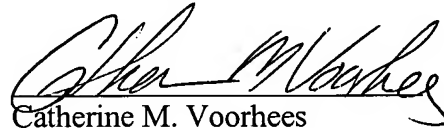
Claims 2-7 and 9-16 are at least patentable for the reasons given above. In addition, each of the above dependent claims recites additional features which are not disclosed by Rajecki and are thus, not anticipated. For example, Rajecki does not disclose a plastic tip (claims 5-6 and 14-15); a fitting with a body, legs and tips made of one-piece construction (claims 7 and 16); and spaced leg with one of a circular cross-section, triangular cross-section and a rectangular cross-section (claims 4 and 13).

In view of the foregoing amendments and the comments distinguishing the claimed invention from the prior art of record, it is believed that claims 1-16 are allowable over the prior art of record and Applicant requests withdrawal of the above rejection. Accordingly, it is respectfully requested that a Notice of Allowance be issued indicating that claims 1-16 are allowed over the prior art of record.

Should the Examiner believe that a conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

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